IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.167 OF 2007

Shri Vijay M. Bhansali ..Petitioner.

V/s.

Union of India & Ors. ..Respondents.

Mr.Anil Balani with Ms.Shilpa Balani for petitioner.

Mr.A.S. Rao for respondents.

CORAM : DR. S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 22ND FEBRUARY, 2007.

P.C. :-

. Rule, returnable forthwith. The learned counsel for the respondents waives service. By consent of the parties, taken up for final hearing.

2. Heard the learned counsel for the petitioner and the respondents. By this petition, the petitioner is seeking implementation of the order of the CESTAT dated 26th September, 2006. By the said order, the Tribunal has directed the clearance of the goods as they have been imported without any mutilation. The learned counsel for the respondents conceded that the respondents received the certified copy of the order on 12th October, 2006. Thereafter, they applied to the

Law Ministry for sanction for filing the appeal. The Law Ministry vide letter dated 10/2/2007 has communicated to the respondents that this is not a fit case to file an appeal. In spite of the same, no appeal has been filed. Today, the learned counsel for the respondents states that they have received instructions to file an appeal in the above matter. Prima facie we are of the view that there is a gross delay in obtaining stay, in the above matter.

3. Under the aforesaid facts and circumstances, we direct the respaondents to implement the order passed by the CESTAT on 26/9/2006 within a period of 4 weeks from today in the event the respondents fail to obtain a stay in the appeal which they propose to file.

4. Writ petition stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)